

Article 7: Elections, Campaign Finance and Lobbying

Division 9: Procedure for Filling Vacancies in Elective Offices by Special Election

*(“Procedure for Filling Vacancies in Elective Offices by Special Election”
renumbered from Division 24 and retitled on 7-26-1999 by O-18664 N.S.)*

§27.0901 Purpose and Intent

The purpose and intent of this division is to establish an orderly procedure for the City Council to follow in conducting a *special election* to fill a vacant office. It is the intent of this division that these procedures be the same for filling vacancies in all *elective offices*. This includes the offices of Mayor, City Attorney, and City Council. If a position is to be filled by *election*, the procedures provided for in this division shall be followed.

(“Purpose and Intent” added 7-26-1999 by O-18664 N.S.)

§27.0902 Special Election to be Called

- (a) If a vacancy occurs in the office of a City Council district for any reason other than a successful recall *election*, and the vacancy is to be filled by *election*, the City Council shall immediately call a *special election* to be held within ninety calendar days of the vacancy, unless there is a regular municipal, statewide, or countywide *election* scheduled to be held within 180 calendar days of the vacancy. If there is a regular municipal, statewide, or countywide *election* scheduled to be held within 180 calendar days of the vacancy, the City Council may consolidate the *special election* with that regular *election*.
- (b) If a vacancy occurs in the office of the Mayor or City Attorney for any reason other than a successful recall *election*, and the City Council chooses to fill the vacancy by *election*, or fails to fill the vacancy by appointment within thirty business days of the vacancy, the Council shall immediately call a *special election* to be held within ninety calendar days of the date the ordinance calling the *election* is adopted, unless there is a regular municipal, statewide, or countywide *election* scheduled to be held within 180 calendar days of the vacancy. If there is a regular municipal, statewide, or countywide *election* scheduled to be held within 180 calendar days of the vacancy, the City Council may consolidate the *special election* with that regular *election*.

(Amended 9-10-2001 by O-18979 N.S.)

§27.0903 Nomination Procedures

Candidate nominations shall be conducted in accordance with the provisions of the nomination procedures in this article.

(“*Nomination Procedures*” added 7-26-1999 by O-18664 N.S.)

§27.0904 Special Election to Conform to Other Elections

To the extent practicable, when a vacancy in any *elective office* is to be filled in accordance with this division, the City *Clerk* shall conduct the *special election* in a manner conforming to other *candidate election* procedures, including procedures for write-in *candidates*, in this article.

(“*Special Election to Conform to Other Elections*” added 7-26-1999 by O-18664 N.S.)

§27.0905 If Majority of Votes Cast, Winner Declared

If one *candidate* receives the majority of votes cast for all *candidates* in the *special election*, the *candidate* receiving the majority of votes cast shall be deemed to be and declared by the City *Council* to be elected to the vacant office.

(“*If Majority of Votes Cast, Winner Declared*” added 7-26-1999 by O-18664 N.S.)

§27.0906 If No Majority of Votes Cast, Run-off Required

If no *candidate* receives a majority of votes cast in the *special election*, a special run-off *election* shall be held within forty-nine calendar days of the first *special election*, unless there is a regular municipal, statewide, or countywide *election* scheduled to be held within ninety calendar days of the proposed special run-off *election* date, at which time the City *Council* may consolidate the special run-off *election*, with that regular *election*. The two *candidates* receiving the highest number of votes cast for the vacant seat in the first *special election* shall be the only *candidates* for the vacant seat; and, the names of only those two *candidates* shall be printed on the ballots to be used at the run-off *election*.

(“*If No Majority of Votes Cast, Run-off Required*” added 7-26-1999 by O-18664 N.S.)

§27.0907 Date to Assume Office

- (a) A *candidate* elected to the office of a City *Council* district, at either the *special election* or at the special run-off *election* called by the City *Council* to fill a vacant *elective office* shall be declared elected for the unexpired term of his or her predecessor and shall assume his or her office at the time the City *Council* adopts the resolution declaring the results of such *election* to the vacant office.

- (b) A *candidate* elected to the office of Mayor or City Attorney, at either the *special election* or at the special run-off *election* called by the City *Council* to fill a vacant *elective office* shall be declared elected for the unexpired term of his or her predecessor and shall assume his or her office at the time the City *Council* adopts the resolution declaring the results of such *election* to the vacant office.

(Amended 9-10-2001 by O-18979 N.S.)